IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 282 OF 2006

SHRI SURESH ANANT PARADKAR THROUGH HIS ATTORNEY SMT. SUPRIYA SURESH PARADKAR, VASCO DA GAMA,GOA. ....Petitioner

Versus

D.B. BANDODKAR AND SONS PVT.LTD.THROUGH ITS DIRECTOR MRS. SHASHIKALA G. KAKODKAR, PANAJI GOA. ....Respondent

Mr. Amrut Kansar, Advocate for the Petitioner.

Mr. J.E. Coelho Pereira, Sr. Advocate with Mr. S. Karpe, Advocate for the Respondent.

Coram:- SMT. RANJANA DESAI, J.

Date:- 12th July, 2006

P.C.:

In this Writ Petition, Order dated 28.3.06 passed by the Civil Judge Senior Division in Special Civil Suit No.185/89/B is challenged. By the impugned order, the learned Judge has rejected the application filed by the Advocate for the plaintiff for adjournment. The learned Judge has observed that substantial cross of DW.2 has been recorded. He has further observed that the suit was taken up on priority by informing the parties time and again that adjournments would not be granted. The learned Judge has noted that in the application it is just stated that the suit may be adjourned on account of personal difficulty of the counsel for the plaintiff. No exceptional circumstances have been made out.

2. I have heard learned counsel for the petitioner. It is true that the application for adjournment is not happily worded. Learned counsel should have given more details. It is also true that the matter is of the year

1989 and it is high time that the parties ensure that it is expeditiously disposed of. However, in the circumstances of the case and in the interest of justice, in my opinion, the impugned order deserves to be set aside after saddling the petitioner/plaintiff with costs. Hence the following Order :-

3. The impugned order dated 28.3.06 is set aside on the condition that costs quantified at Rs.1000/- are deposited with the Goa State Legal Services Authorty. Payment of costs shall be condition precedent to the setting aside of the order. It is hoped that in future the parties will cooperate with the learned Judge and see to it that the suit is disposed of at the earliest. The defendant has closed his case. Needless to say that the defendant would be entitled to lead further evidence.

Petition disposed of in the aforestated terms.

SMT. RANJANA DESAI, J.

sl.